

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No. CR03-515 JCC
	)	
v.	)	<b>PROPOSED FINDINGS OF FACT</b>
	)	<b>AND DETERMINATION AS TO</b>
DAVID JEFFREY KATHERNS,	)	<b>ALLEGED VIOLATIONS OF</b>
	)	<b>SUPERVISED RELEASE</b>
Defendant.	)	

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on October 20, 2010. The defendant appeared pursuant to warrant issued in this case. The United States was represented by Bruce Miyake, and defendant was represented by Daron Morris. Also present was U.S. Probation Officer Anglea McGlynn. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on June 25, 2004 by the Honorable John C. Coughenour for Felon in Possession of Firearms. He received 84 months of detention and 3 years of supervised release.

On October 30, 2009, defendant's supervised release was revoked as a result of his admitted violations of using drugs and associating with a know felon. The Court sentenced him to time served (30 days detention), followed by a 35 month term of supervised release.

1 On December 15, 2009, the Court approved no action be taken in response to a  
2 Noncompliance Summary filed with the Court after defendant violated his supervision by using  
3 drugs on November 13, 2009. On December 18, 2009, the Court approved a voluntary  
4 modification of defendant's conditions of supervision to include a condition that he participate in  
5 the Location Monitoring Program for 120 days as a sanction for his drug use on or before  
6 December 11, 2009.

7 On January 26, 2010, a violation report and request for warrant was filed after defendant  
8 failed to comply with the Location Monitoring Program since January 24, 2010. A warrant was  
9 issued on January 29, 2010, and on March 3, 2010, defendant was arrested. On March 26, 2010  
10 defendant was sentenced to 4 months detention followed by 24 months supervised release.  
11 Defendant began his third term of supervision on July 2, 2010.

#### 12 PRESENTLY ALLEGED VIOLATIONS

13 In a petition dated October 4, 2010, U.S. Probation Officer Angela McGlynn alleged that  
14 defendant violated the following conditions of supervised release:

15 1. Using methamphetamine on or before July 22, 2010 and August 10, 2010, in  
16 violation of standard condition 7.

17 2. Failing to participate and successfully complete substance abuse treatment as  
18 directed on or about September 30, 2010, in violation of the special condition directing the  
19 defendant to participate as instructed by the U.S. Probation Officer in a program approved by the  
20 probation office for treatment of narcotic addiction, drug dependency, or substance abuse.

#### 21 FINDINGS FOLLOWING EVIDENTIARY HEARING

22 Defendant admitted the above violations, waived any hearing as to whether they occurred,  
23 and was informed the matter would be set for a disposition hearing on October 29, 2010 at 9:00

1 a.m. before District Judge John C. Coughenour. Pursuant to the parties' request that defendant  
2 be released so he may participate in treatment, the Court entered an order of release.

3 RECOMMENDED FINDINGS AND CONCLUSIONS

4 Based upon the foregoing, I recommend the court find that defendant has violated the  
5 conditions of his supervised release as alleged above, and conduct a disposition hearing.

6 DATED this 20<sup>th</sup> day of October, 2010.

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10 BRIAN A. TSUCHIDA  
11 United States Magistrate Judge  
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